

The land representatives elect four (4) soil and water conservation district (SWCD) supervisors from the district. Each elected member represents one of four areas, as established at the time of the district's organization or by official action of the Soil and Water Districts Commission. Supervisors serve a four-year term and are elected by a majority vote of the county's land representatives under rules and policies formulated by the Soil and Water Districts Commission. It is the responsibility of the SWCD board to hold these elections as terms expire.

The SWCD Board of Supervisors is responsible for conducting the election under the rules and procedures developed by the Commission. The SWCD board shall conduct an election according to the schedule approved by the commission, detailed below.

The qualifications required to be a supervisor are:

1. Being a land representative from the district. A land representative is defined as the owner or representative authorized by power of attorney of any farm lying within an area proposed to be established, and subsequently established, as a soil and water conservation district under Chapter 278, RSMo. Each farm is entitled to representation by a land representative: provided, however that the land representative is a taxpayer of the county within which the soil and water district is located, 10 CSR 70-4.010(1)(I)
2. Residing in, or owning a farm in, the area from which he/she is nominated where there is an expiring term.
3. Being a cooperator of the district, defined as, "a person who is actively engaged in farming and practices conservation activities related to agriculture".
4. Being a current resident and tax-paying citizen of the county for at least two years preceding the election date. Section 278.110, RSMo.
5. Be eighteen (18) years of age or older by the election date and be willing to serve the full term they are elected for.
6. Provide a valid mailing address to the program office and notify the program of any change of address during their term.

### ***A. Voter Eligibility***

1. Voting in SWCD supervisor elections is limited to one (1) vote per independent farm enterprise by a landowner or the landowner's legal representative. A legal representative must have a power of attorney that specifically authorizes voting in SWCD supervisor elections. An eligible land representative of an SWCD, as defined in 10 CSR 70-4.010(1)(I), may vote in any SWCD supervisor election held within that particular SWCD. Only a land representative is eligible to cast a vote in SWCD supervisor elections. If challenged, eligibility to vote must be demonstrated by the land representative.
2. Each farm, as defined in 10 CSR 70-4.010 (1)(H), shall be entitled to representation in SWCD supervisor elections, and for the purposes of this rule, a land representative shall be deemed as owning one (1) farm and having one (1) vote, regardless of the number of farms owned or POA by such person. A farm is defined as land which has been assigned an United States Department of Agriculture Farm Service Agency (FSA) farm number or assessed as agricultural by the county assessor where agricultural activities are normally

performed and from which one thousand dollars (\$1,000) or more of agriculture products are normally sold in a year.

3. If it is impossible for the farm owner to personally participate in voting, a power of attorney may be given to a taxpaying citizen of the county who may represent the owner and cast the vote. A person so authorized shall not be the legal land representative for more than one (1) farm owner. A copy of the power of attorney authorization must be attached to the ballot.

## ***B. Election Procedure Time-Line***

All SWCDs across the state will conduct their election on the same dates. The dates for each election step are listed below. If any of the dates below need to be changed, the program office will notify the SWCDs prior to the nomination period beginning.

## ***C. Nomination Period***

1. The Nomination Period is from November 1 to November 30. Dates will be adjusted by the program office if beginning or ending date falls on a weekend or holiday.
2. Any landowner that meets the requirements for a SWCD board member can self-nominate themselves for the SWCD board.
3. The self-nomination form can be found on the SWCD internet site and is also available at the local SWCD office. This form must be completed, signed and delivered to the local SWCD office by 5 pm on November 30<sup>th</sup>.
4. The SWCD must notify the public of the nomination period. The SWCD must publicize the nomination period in each of the following manners:
  - a. on the SWCD internet page
  - b. at the local SWCD office with either a counter display or poster
  - c. either a radio ad or newspaper ad

The SWCD can also use other options in addition to the above, such as Facebook or GovDelivery to promote the nomination period.

The Soil and Water Conservation Program will provide each SWCD generic material to help promote the nomination period.

## ***D. Board Determine Qualified Candidates***

1. During the December SWCD board meeting the board must review all Self-Nomination forms received to determine if nominees are eligible to run for the SWCD board.
2. The SWCD board must submit a list of eligible candidates to the program office.

## ***E. Publicize the Election***

1. Publicizing the SWCD election is from January 20<sup>th</sup> to February 20<sup>th</sup>. Dates will be adjusted by the program office if beginning or ending date falls on a weekend or holiday.
2. The SWCD must notify the public of the election. The SWCD must publicize the election in the following manner:

- a. on the SWCD internet page
- b. at the local SWCD office with either a counter display or poster
- c. either a radio ad or newspaper ad

The SWCD can also use other options in addition to the above such as Facebook or GovDelivery to promote the election.

The Soil and Water Conservation Program will provide each SWCD generic material to help promote the election.

## ***F. Election Period***

1. The election period will run from February 1<sup>st</sup> to February 20<sup>th</sup>. Dates will be adjusted by the program office if beginning or ending date falls on a weekend or holiday.
2. The ballot for the election will be posted on the SWCD internet page and will also be available during normal work hours at the local SWCD office.
3. Ballots can be printed from the SWCD website and mailed to the SWCD office. Ballots postmarked by February 20<sup>th</sup> will be considered eligible ballots. Ballots received in the mail must immediately be placed in the ballot box.
4. All ballots must include name and address of the individual voting. This is needed so the election judges can verify that the individual voting is eligible to vote.
5. The board of supervisors is to provide a locked or sealed ballot box at the SWCD office.
6. Voting can occur at a SWCD annual meeting. The ballot box must remain at the SWCD office for the hours listed on publications and then moved to the location of the annual meeting.
7. If voting with Power of Attorney, please review requirements under section A. Voter Eligibility.

## ***G. Ballots Counted by Election Judges***

1. The ballots must be counted between February 22<sup>nd</sup> and February 28<sup>th</sup>. Dates will be adjusted by the program office if beginning or ending date falls on a weekend or holiday.
2. The Board of supervisors must select and instruct three (3) residents of the SWCD to serve as election judges. District employees, or board members cannot serve as election judges in elections taking place in their district. Individuals related to the fourth degree to current board members, district staff or candidate on the ballot cannot serve as election judges.
3. The district must provide a list of tax-paying land representatives from the County Assessor's office, and a current list of landowners who have a Farm Services Agency farm number, for the election judges to utilize in verifying voter eligibility.
4. Count the ballots and record on the tally sheet the number of votes each candidate received. All election judges will need to certify and sign the "Tally Sheet and Election Certification" form found in the Appendix, as well as the "List of Voters" form. Results of the election must be placed in a sealed envelope and presented to the SWCD board.

5. Ensure that voters meet the eligibility requirements for voting. Collect and attach any power of attorney (POA) authorization to the List of Voters (refer to “List of Voters” form in the Appendix) and make the proper notation on the form. Judges will need to verify that the form is properly signed and pertains to the candidate that the land representative states he/she is voting for.
6. When counting is complete, all ballots must be placed in a sealed envelope. After sealing, ballots shall not be inspected, except in case of a contested election, and then only on order of the proper court or as authorized by the state’s Soil and Water Districts Commission.
7. Deliver the sealed ballots to the District Board of Supervisors for proper storage.

## ***H. Certifying the Election***

1. The SWCD election must be certified at the March SWCD board meeting.
2. The sealed results of the election must be presented to the SWCD board.
3. The election shall be certified by a majority of the board responsible for conducting the election. Only board members who are not on the current ballot should certify the election. These board members must complete and sign two (2) copies of the “Report and Certification of Election” form (refer to the Appendix). One (1) copy must be mailed to the Soil and Water Conservation Program and one (1) copy must be kept permanently, in the SWCD files, along with the Tally Sheet signed by the judges. After the election is certified complete by a majority of the board, the newly composed board shall select new officers and mail a copy of the reorganization of officers, with complete addresses, to the Soil and Water Conservation Program. The election certification and reorganization of the board must take place during an open session board meeting, and a public meeting notice must have been posted at least 24 hours in advance of the meeting. If the board wants to certify an election, immediately following the tallying of votes by the election judges, the board must conduct an official, properly posted board meeting in open session.
4. The board of supervisors is to store the sealed envelope containing voted ballots for one (1) year from the election date in a secure location.
5. A newly elected supervisor cannot vote or make motions on issues until the election has been certified.

## ***I. Election Tie***

In the case of a tie, the district has three options:

1. Discuss the situation with candidates to see if any candidate(s) are willing to withdraw.
2. Bring in candidates to “flip a coin”.
  - a. If either 1 or 2, above, are necessary all candidates should sign documentation that describes the outcome of either.
3. Redo the election.

## ***J. Election Records***

1. See section VIII B.2 for guidance on election record retention

## ***K. Filling Supervisor Vacancies***

1. In case of death, termination of residence/ownership in the area, or resignation of an elected supervisor, before his/her term expires, the district board shall recommend another person to the Commission, for approval/consent, to complete the unexpired term. The following procedure should be followed when filling supervisor vacancies:
  - a. Supervisor resignation, the board must request a letter of resignation. The letter should be forwarded to the Commission when submitting the district's recommendation for appointment to fill the unexpired term.
  - b. Supervisor passes away, the board must submit a letter of recommendation to the Commission. The letter should indicate that the supervisor has passed away.
  - c. In either case, the board should contact the person being recommended to fill the vacancy to determine if he/she is interested in serving as a supervisor, and advise the prospective supervisor of the responsibilities of the position and time remaining in the unexpired term.
  - d. The board shall submit a letter of recommendation, along with the Verification of Supervisor Eligibility form, to the Commission for appointment to fill the unexpired term. This letter must include the name and address of the person being recommended for appointment. Upon receipt of the district's recommendation for appointment, and the Verification of Supervisor Eligibility form, the Commission will approve or reject the proposed appointee. Written notification of the Commission's action will be forwarded to the district and the appointee, at which time the appointee, if approved, is officially a supervisor with all powers, duties and authorities of the position. The appointee will serve the remainder of the unexpired term of his/her predecessor.
2. SWCD boards may pursue removing a board member before his/her term expires because of lack of involvement. Lack of involvement is determined by the board member missing four consecutive board meetings. The SWCD board should make every effort to communicate verbally with the board member before following the steps outlined below. To remove a board member due to lack of involvement follow the steps below:
  - a. Send a certified letter to the address provided by the supervisor, reciting lack of attendance at specified meeting dates, and requesting the supervisor resume board activities or resign.
  - b. If no response is received from the initial letter within 30 days the SWCD can send another certified letter stating:

“We are writing to ask you to resume your duties as a district supervisor or formally resign your position so that someone else may fill the vacancy. If you do not reply in writing addressing your plan to resume duties of a supervisor within 10 business days, the Soil and Water Districts Commission will consider that a resignation and move forward with refilling your spot on the board.”

- c. If the SWCD receives no response from the board member they can assume the supervisor has resigned and follow the steps outlined above with regard to filling supervisor vacancies.